

REMARKS

Applicant desires to acknowledge and express appreciation for the courtesies extended during the recent telephone interview with Examiner Janie Christiansen and the Examiner's Supervisor regarding the subject case on February 15, 2011. During the aforementioned telephone interview, Applicant's attorney discussed several proposed amendments to claim 1 of the present application. Although no agreement was reached as to the allowability of claim 1 based upon the proposed amendments, the Examiner's Supervisor indicated that the proposed amendments would most likely involve additional searching and that an RCE application would be required. Although Applicant respectfully disagrees that additional searching will be required based upon the amendments to the claims contained herein, Applicant is following the Examiner's Supervisor's suggestion and is filing this Amendment along with its RCE application in an effort to allow the Examiner to perform additional searching, if necessary, based upon the additional amendments made primarily to claim 1 of the present application. Applicant respectfully requests that the Examiner reconsider the patentability of the claims presently pending in the present application in light of the amendments and arguments made in this response.

It is respectfully pointed out that, to date, a total of at least thirty (30) different prior art references relating to the various features associated with the present urinary collection system have been cited against the claims of the present application. Eight (8) prior art references were identified in the International Search Report and Written Opinion issued in the corresponding PCT Application; eleven (11) additional different prior art references were disclosed by

Applicant in 3 different IDSs filed in this case; eight (8) additional different prior art references were cited against the present application in the First Office Action mailed in this case on February 22, 2010; and three (3) additional different prior art references relating to the claims of present application have been cited in the current Office Action mailed January 6, 2011.

Currently, out of a total of at least thirty (30) prior art references, the Examiner now relies on a total of thirteen (13) different prior art references in the rejection of the present claims.

Importantly, out of a total of at least thirty (30) different prior art references, at least twelve (12) prior art references are directly related to urinary collection systems and apparatus and such prior art dates back to 1870 and spans over one hundred and forty years (140).

Applicant respectfully suggests that the very fact that such a large number of prior art references must be combined in an obviousness type manner in order to reject the pending claims of the present application, such fact alone suggests patentability. Also, since at least 12 different types of urine collection devices have been cited as prior art spanning over 140 years, and since all kinds of different combinations must be utilized in an effort to reject the presently pending claims, and since no one prior art reference discloses all of the features of the presently pending independent claim 1 of the present application, this again suggests patentability.

An appropriate analysis in the determination of obviousness may not indulge in a forbidden hindsight evaluation. It is easy to find individual components or features of a particular device present in a multitude of different prior art references, but it is the combination of these various components in a particular manner and in a particular device that yields patentability as will be explained below. Although the individual features of the present invention may seem subtle and insignificant in their individual capacity, when all such elements

are combined in a particular manner and in a particular combination, such combination yields powerful and improved results over the existing prior art. Again, even in light of the recent KSR case, there still must be some suggestion, motivation, or incentive to combine prior art references.

For these reasons, Applicant again respectfully requests the Examiner to carefully review the amendments and arguments set forth below in the context of why a person skilled in the art with no knowledge of the claimed invention would have selected the various components set forth in the presently amended claims for combination in the matter so claimed.

In light of the prior art cited against the rejected claims, Applicant has further amended the present claims in an effort to even further distinguish the claimed invention over the cited prior art. More particularly, Applicant has amended independent claim 1 and dependent claim 12. Applicant has also cancelled claims 5 and 23-36. No new matter has been added. As a result, claims 1-4, 6-12, 14-19, 21, 22, 37 and 38 are presently pending in the present application. The only independent claim recited by the present application is now claim 1.

THE PRESENT INVENTION

Claim 1 of the present application has been further amended to further distinguish and clarify the present invention over all of the prior art cited, to date, in the present application. More specifically, claim 1 specifically defines a very specific urinal which is sized in volume to receive and store at least an amount of urine encountered in at least one patient relief, and wherein the urinal structure includes an end wall, a bottom wall, and an inlet opening, the end

wall being substantially vertical relative to a horizontal plane. This specific urinal shape is clearly shown in Fig. 2 of the present application illustrated below.

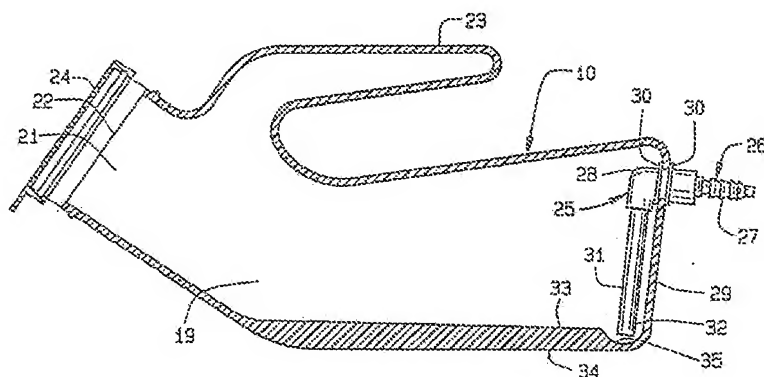


FIG. 2

The orientation of the end wall 29 of urinal 10 relative to the bottom wall 34, or relative to a horizontal plane, is important to the present invention as will be hereinafter further explained with respect to pick-up device 25 and the recess or well 35 claimed in dependent claim 12.

Claim 1 further requires that the present urinary collection system include a pick-up device 25 which is positioned and located opposite the inlet opening 22 of the urinal, the pick-up device including a member 28 having an inlet portion positioned within the first liquid storage reservoir 19 and having an outlet portion sealably mounted to the end wall 29 of the urinal. The outlet portion of the member 28 is positioned above the inlet portion of such member which lies within the first storage reservoir and is perpendicular thereto. In the particular embodiment illustrated in Fig. 2 of the present application, the member 28 is shown as a 90° ell or 90° elbow type fitting. Still further, claim 1 requires that the inlet portion of member 28 has a siphon tube 31 associated therewith likewise positioned in the first liquid storage reservoir parallel to but spaced from the end wall 29 of the urinal. The siphon tube is likewise defined as being straight

in length and perpendicular to the outlet portion of member 28. This configuration is clearly shown in Fig. 2 of the present application. Still further, claim 1 requires that the siphon tube have an end portion 32 positioned adjacent to but spaced from both the bottom wall 34 and the end wall 29 of the urinal 10. Here again, this specific structure and spacing relative to the end wall 29 and bottom wall 34 of the urinal 10 defines a very specific pick-up device, both structurally and location-wise, which is necessary to achieve the improved performance of the present collection system.

As discussed in the background section of the present application, merely increasing the size or volume of the urinal-type device causes problems including leakage problems if the overall collection system cannot adequately hold the increased volume of collected urine, and if the collection system cannot adequately remove the collected urine from the first storage reservoir to a collection container. Any type of leakage problem whether it be caused by spillage during the urination process, or whether it be caused by the urinal not adequately receiving and storing an amount of urine encountered in at least one patient relief, or whether the pick-up system itself leaks or does not adequately remove the collected urine from the first storage reservoir to the collection container is a serious problem and can result in tremendous inconvenience for the patient as well as staff and can result in uncomfortable and unsanitary conditions for the patient for an extended period of time. As a result, the position, location and structure of the present pick-up device as defined in claim 1 is an important feature of the present system and provides an important advantage over the prior art pick-up type devices illustrated in the cited prior art as will be hereinafter further explained.

Claim 1 further requires the use of a quick disconnect fitting associated with the outlet portion of the pick-up member 28 which is connected in fluid relationship to the siphon tube. As explained in the present application at PG. 8, LL 10-14, an important advantage of the present siphon tube 31 is that in the event of an accidental or inadvertent disconnection of the first conduit 14 from the hose bar 27, such disconnection will not result in a copious discharge of urine onto the bed or elsewhere. This specific structure and arrangement of the siphon tube 31, the ell type member 28, and the hose bar 27 prevents potential spillage problems if the first conduit 14 is disengaged from the urinal 10. The sealed connection of the outlet portion of the pick-up member to the end wall 29 of the urinal 10 likewise prevents potential spillage problems.

Claim 1 further requires that the present urinary collection system include a collection container having a second liquid storage reservoir, the collection container having a top wall, an inlet connector and an outlet connector, and wherein the inlet connection has an end portion which terminates adjacent to the top wall of the collection container and is directed downward to prevent liquid entering the second reservoir from entering the container's outlet connector as best illustrated in Fig. 3 of the present application illustrated below.

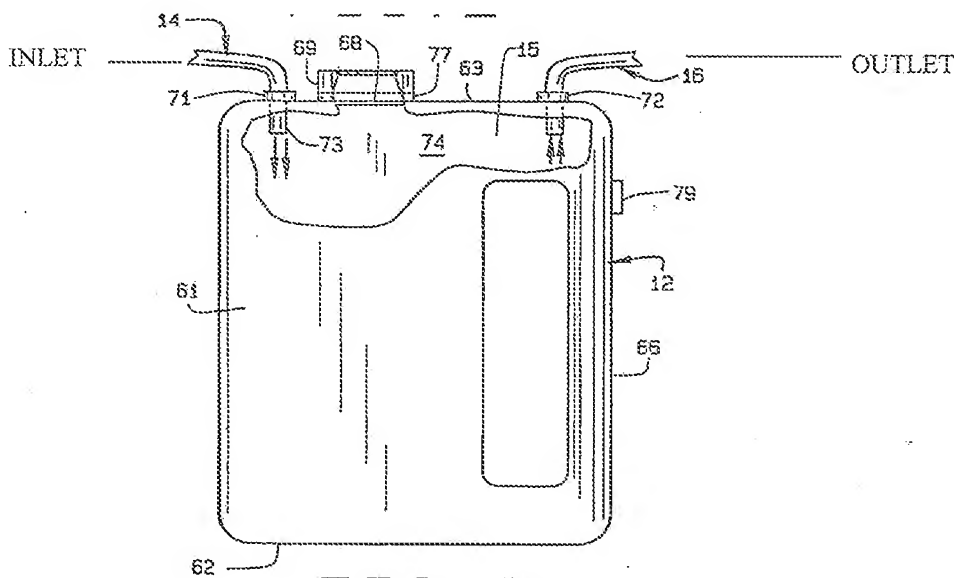


FIG. 3

This particular arrangement likewise helps to prevent any incoming liquid, or contained liquid in the collection container, from entering the outlet connector 72 and hence the second conduit 16.

Claim 1 further requires a first conduit 14 connecting the urinal 10 to the collection container 12 and, more specifically, the first conduit 14 having one end portion connected to the quick disconnect fitting 26 and having its opposite end portion operatively connected to the inlet connector 71. Likewise, claim 1 requires a pump device and a second conduit 16 having one end portion connected to the second liquid storage reservoir and having its opposite end portion connected to the pump inlet, the pump being operable to apply a reduced pressure to the first and second conduits, the pick-up device and the second liquid storage reservoir so as to induce the flow of fluid from the first reservoir to the second reservoir.

Still further, claim 1 specifically requires a control device operably associated with the pump device and operable by a user for selectively activating and deactivating the drive device associated with the pump device, the urinal having sufficient volume to avoid activation of the drive device during at least one complete patient relief.

Dependent claim 12 has been specifically amended to require that the first reservoir (urinal) include an indented well portion 35 located adjacent the end wall 29 of the urinal 10 wherein the siphon tube 31 is rigid and wherein the end portion of the siphon tube is positioned within the well portion 35 as illustrated in Fig. 2 of the present application set forth above.

Other dependent claims still remaining in the present application add additional features to independent claim 1 such as a wireless transmitter and receiver; a timer operable after a predetermined time to deactivate the drive device of the pump; a sensor associated with the collection container for providing a signal as to when the collection container needs to be

emptied, or to prevent operation of the drive device of the pump when the collection device is full, or when the collection container is out of its normal upright position; a retainer operatively associated with the urinal for selectively fixing the urinal in a position relative to a user; and still other features.

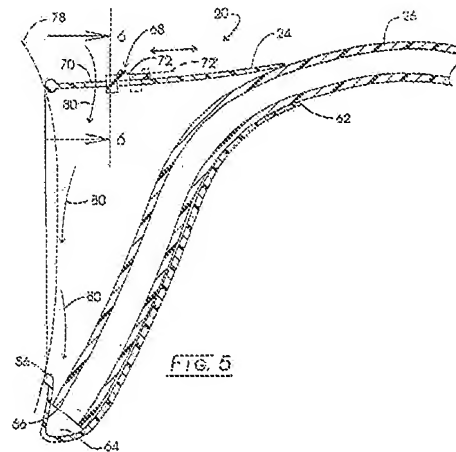
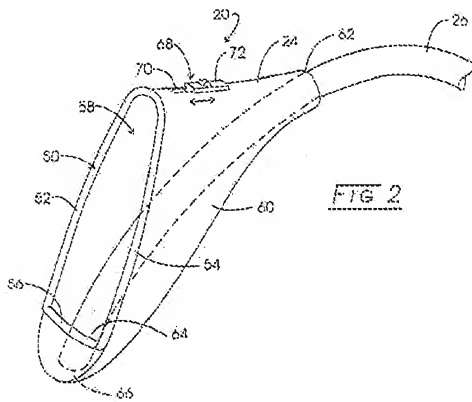
The above amendments to the claims which will be discussed below reflect key features in the present urinary collection system. These features are directed to the size and shape of the urinal, the position, location and structure of the pick-up device and its associated components, the position and location of the well portion, remote activation of the present system for selectively and remotely activating and deactivating the drive motor associated with the pump device, and the structure and volume of the urinal which allows the present urinary collection system to avoid activation of the pump device during at least one complete patient relief. The present system is designed to treat patients that are incontinent without needing the assistance of an attendant that is required in many of the prior art devices such as the Kraus device. See, claim 2. This is likewise true of the retainer or stabilization device of the present system set forth in claims 14-16 which also allows the incontinent patient independence from a nurse or attendant. Other features of the present invention as set forth in the pending claims are likewise distinguishable over the cited prior art references as will be hereinafter further explained.

CLAIM REJECTIONS

Claims 1, 3-5, 7, 9, 12, 16, 17, 21, 24, 26, 28-34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over three prior art references, namely, the Kraus, Otto and Heller references. Claims 5, 24, 26, 28-34 and 36 have been cancelled.

THE KRAUS REFERENCE

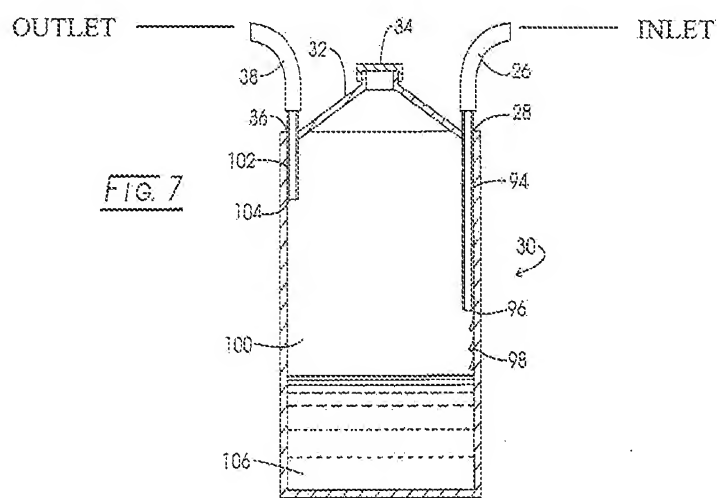
The Kraus device is best illustrated by Figs. 2 and 5 of the Kraus reference which are illustrated below.



The Kraus reference discloses a urine collection apparatus having a collector or urinal 20, a collection tank 30, and a vacuum assembly 40. As will be hereinafter further explained, the structure and operation of the Kraus urinal 20 and collection container 30 differ substantially from the urinal, pick-up device, collection container, and other components disclosed in amended claim 1.

More particularly, as set forth in the Outstanding Office Action, the Examiner has indicated that the Kraus reference discloses a urinal 20 having an end wall 60 and a bottom wall formed at the base of an indented well portion 64 and an inlet opening formed by the continuous lip 50 as illustrated in Fig. 2 of Kraus set forth above. The Examiner also indicates that the first conduit 26 of Kraus forms the pick-up device having an inlet portion 66 and an outlet portion formed at the exit of the conduit from the urinal at 62 as illustrated in Fig. 5. The Examiner also

indicates that the end of the conduit 26 forms a siphon tube that is positioned adjacent the end wall and substantially normal to the outlet portion. Still further, the Examiner indicates that the collection container 30 includes a top wall 32, an inlet connector 28 and an outlet connector 36 and that the inlet connector 28 has an end portion that terminates close to the top wall of the collection container as best illustrated in Fig. 7 below.



Based upon the Kraus disclosure, independent claim 1 has been further amended to further distinguish over this reference for the following reasons.

Claim 1 specifically requires that the urinal be sized in volume to receive and store at least an amount of urine encountered in at least one patient relief. As is clearly illustrated in Figs. 2 and 5, the urinal 20 of Kraus is not capable of receiving at least one patient relief without the pump apparatus 40 operating during the entire urination event. As is clearly indicated in the Kraus specification at Col. 4, LL 36-46 and Col. 3, LL 23-27 and LL 48-54, the attendant observes the commencement and termination of urination by the patient and manipulates and adjusts the air entry opening represented by slot 70 located within the valve slide member 72

illustrated in Fig. 5. With this arrangement, the amount of vacuum may be adjusted by the attendant by hand manipulation of the slide member 72 so as to control the amount of vacuum between the lip 50 and the labium of a female patient as illustrated in Fig. 3. When placement of the urinal 20 is completed, the slide member 72 can be pushed forwardly to reduce the extent of the air entry opening 70 thus increasing the vacuum retention of the lip 50 against the labium. This means that the vacuum pump is engaged and operating during the urination process.

The size and shape of the urinal 20 also suggests that the vacuum pump must be engaged during urination in order to remove urine from the urinal and prevent an overflow situation. This is also confirmed by the sloping end wall 60 of the Kraus urinal 20 which forces the urine to collect in the well 64 near the inlet opening of the urinal. Due to the size of the well 64, the sloping end wall 60 forces urine to collect at the front portion of the urinal and it is apparent that if the vacuum apparatus is not engaged, urine will collect in the well portion 64 and overflow the front wall 56 of the lip 50. This is likewise confirmed at Col. 4, L 66 to Col. 5, L 6 of the Kraus reference where it is specifically stated that..."following a termination of urination as observed by the attendant in viewing the transparent tube or conduit 26, the vacuum is maintained for about a twenty second interval to create an air flow as represented at arrows 80, functioning to dry the region adjacent the urethra. Of course, the transparent conduit 26 also prevents a premature removal of the collector 20 from its operative position." As a result, both the structure of the Kraus urinal 20 as well as the disclosure set forth in the patent specification confirm that the urinal 20 of Kraus is not sized in volume to receive and store at least an amount of urine encountered in at least one patient relief and that the pump of Kraus must be activated during the entire urination process.

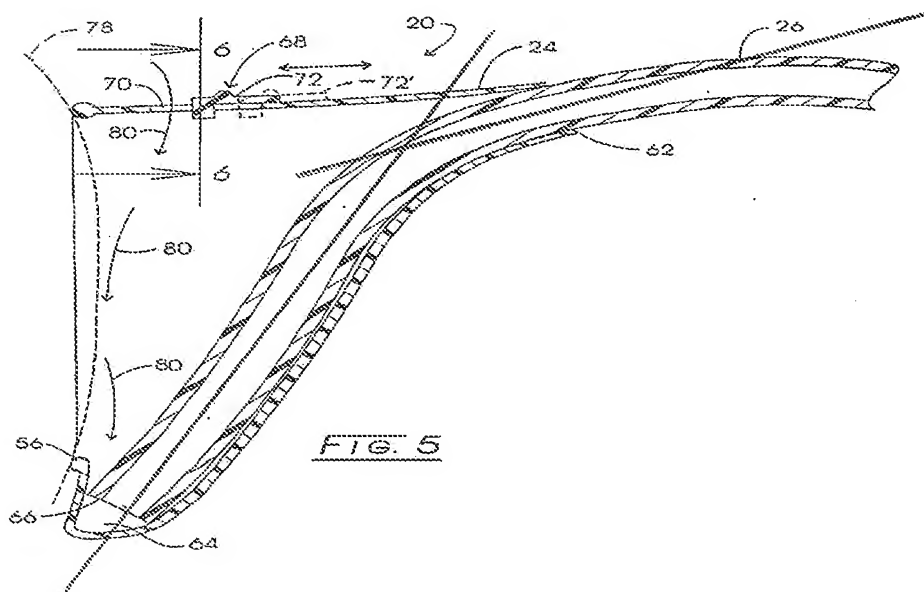
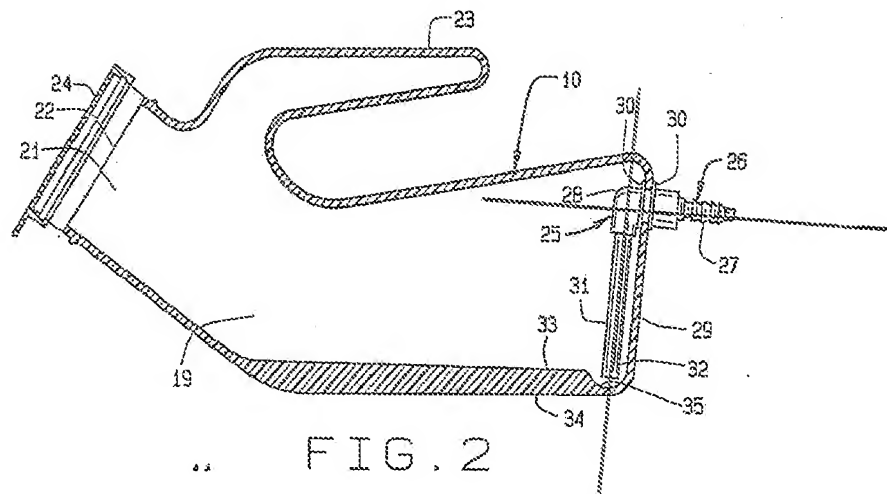
Claim 1 likewise specifically requires that the end wall of the present urinal be substantially vertical relative to a horizontal plane as best illustrated in Fig. 2 of the present application. As clearly illustrated in the drawings above, end wall 29 of the present urinal 10 is substantially perpendicular to bottom wall 34, and is likewise substantially perpendicular to the horizontal plane upon which bottom wall 34 would rest. This is clearly not true of the Kraus urinal configuration where the sloping end wall 60 forces urine to collect in the well 64 located adjacent the inlet opening of the Kraus urinal. In total contrast, the specific end wall/bottom wall configuration of the present urinal allows urine collected in the reservoir 19 to flow towards the end wall away from the inlet opening 22. This is in total contrast to the shape and configuration of the Kraus urinal. If the end wall of the Kraus urinal were substantially vertical to a horizontal plane, urine would not collect in the well 64 but instead would flow behind the tube 60 and away from its inlet portion 66. For this reason alone, claim 1 is distinguishable over the urinal 20 of Kraus.

Still further, claim 1 of the present application specifically defines a pick-up device positioned and located opposite the inlet opening of the urinal. If conduit 26 is the pick-up device of the Kraus device, it extends from the end wall all the way to the front wall 56 of the Kraus urinal 20 and is not located opposite the inlet opening of the urinal. Instead, it extends the entire distance between the end wall and the front wall and its inlet opening 66 is located adjacent the inlet opening formed by the lip 50.

Still further, claim 1 specifically requires that the pick-up device include a member such as member 28 illustrated in Fig. 2 of the present application which has an inlet portion positioned in the first storage reservoir and an outlet portion sealably mounted to the end wall of the urinal,

the outlet portion being positioned above the inlet portion and perpendicular thereto. This structure is clearly illustrated in Fig. 2 of the present application wherein member 28 is shown as being a substantially 90° elbow or ell wherein the inlet portion is directed downwardly parallel to the end wall 29 and the outlet portion is directed perpendicular to the end wall 29 as illustrated. Respective lines drawn through the inlet and outlet portions of member 28 are perpendicular to each other. The position and location of the inlet portion 66 of the Kraus conduit 26 is not perpendicular to the exit opening associated with the urinal 20 where the conduit 26 exits the urinal. Respective lines drawn through the inlet 66 and outlet 62 of Kraus are not perpendicular to each other. See below.

THIS SPACE INTENTIONALLY LEFT BLANK



Still further, claim 1 specifically requires that the inlet portion of member 28 include a siphon tube positioned in the first storage reservoir parallel to but spaced from the end wall 29 of the urinal. Here again, this is clearly shown in Fig. 2 of the present application where the siphon tube 31 engages the inlet portion of the member 28 and extends parallel to but spaced from the

end wall 29 of the urinal. A comparison of this structure with the tube structure 26 of the Kraus reference is totally different. See above.

Still further, claim 1 specifically requires that the siphon tube be straight in length and perpendicular to the outlet portion of member 28 as again illustrated in Fig. 2 of the present application. Here again, this structure cannot be found or contrived from the Kraus reference. Claim 1 specifically further requires that the siphon tube have an end portion positioned adjacent to but spaced from both the bottom wall and the end wall of the urinal. The conduit 26 of Kraus is not straight in length but instead follows the sloping contour of the end wall 60 and such conduit is not spaced from the end wall but instead lies on top of and follows the sloping end wall 60 of Kraus to the front wall 56. Again, the structure of Applicant's pick-up device and its location relative to the inlet opening of the urinal is completely different and structurally affords improved operation of the overall collection system since urine will not collect adjacent the inlet opening of the urinal but instead will flow to the end wall 29 of Applicant's urinal for more efficient evacuation therefrom. Applicant repeats its position that the pick-up device 26 of Kraus is not positioned and located opposite the inlet opening of the urinal; its inlet portion is not perpendicular to its outlet portion; the siphon tube is not straight in length; the siphon tube is not parallel to but spaced from the end wall of the urinal; the siphon tube is not perpendicular to the outlet portion; and the end portion of the siphon tube is not positioned adjacent to but spaced from both the bottom wall and the end wall of the urinal. These are very specific structural features which are not incorporated in the Kraus urinal 20.

The position and location of Applicant's pick-up device as recited in amended claim 1 is important to the present invention and provides significant improvement over prior art devices

and over the numerous leakage type problems associated with the prior art devices. The shape of Applicant's urinal 10 and the position, location and structure of Applicant's pick-up device advantageously facilitates the removal of urine from the first reservoir 19 and also facilitates collection of urine within the urinal 10 towards the end wall 29 and away from the opening 22 of the urinal 10. This is not true of the Kraus device wherein urine is collected adjacent the inlet opening or lip 50 of the Kraus urinal 20 and continuous operation of the pump apparatus is necessary in order to prevent urine from overflowing the front wall 56 during urination. In this regard, claim 1 also specifically requires that the present urinal have sufficient volume to avoid activation of the drive device associated with the present pump device during at least one complete patient relief. This means that a patient can undergo urination without activating the pump during such process and without the assistance of an attendant. This is not true of the Kraus system wherein the pump apparatus 40 must be activated during each patient relief as explained above and wherein an attendant must be present to control and operate the device. See, Col. 4, L68 to Col. 5 L6. Applicant's structure and positioning of its urinal 10 and pick-up device 25 eliminates the need for excess valves and costly operation of the pump system during each patient relief; it eliminates the need for an attendant to always be present; and it likewise further prevents potential spillage problems.

Still further, claim 1 specifically requires that the collection container 12 of the present invention include an inlet connector having an end portion which terminates adjacent to the top wall of the container as clearly illustrated in Fig. 3 of the present application set forth below. As clearly illustrated in Fig. 3, inlet connector 71 points downwardly and has an open end 73 which terminates adjacent the top wall of the collector. When the pump device of the present invention

is activated, negative pressure is formed in the head space 74 of the container 12 which, in turn, draws liquid from the urinal 10 into the container 12. Having the end portion of the inlet connector terminating adjacent the top wall of the container insures that the application of negative pressure in the head space 74 will always be there and will always apply a reduced or negative pressure to the first conduit 14, the pick-up device 25, and the first reservoir 19 so as to induce the flow of fluid from the first reservoir 19 (urinal 10) to the second reservoir or container 12. Again, this structure is not true of the container device 30 associated with the Kraus system disclosed in Fig. 7 below.

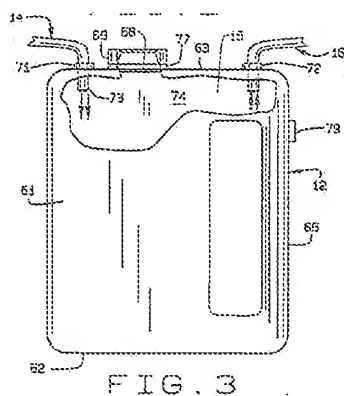
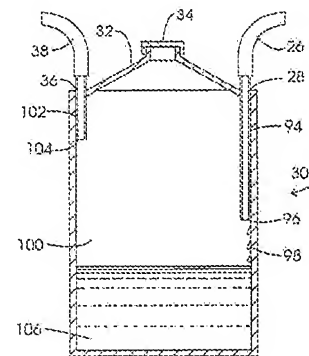


FIG. 7



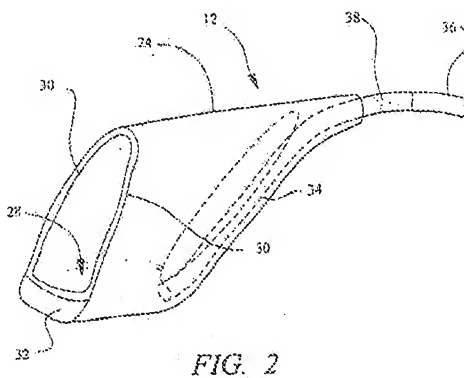
As clearly shown in Fig. 7 of Kraus, inlet conduit 26 extends through an inlet port 28 of collection tank 30 and an extension tube or conduit 94 is connected thereto which includes an end portion 96. Since the inlet conduit 94 has its terminal end portion 96 terminating at least halfway down side wall 98 of the collection tank 30, such terminal end portion is not adjacent the top wall 32 of the container. This arrangement is disadvantageous since once the urine collected in the container 30 rises above the end portion 96 of the inlet conduit 94, creating a negative or

reduced pressure in the inlet conduit 26 for drawing urine out of the Kraus urinal 20 becomes more difficult because the head space remaining in the Kraus container 30 lies above the terminal end portion of the inlet conduit 94. This results in an ineffective structure for inducing the flow of urine from the Kraus urinal 20 to the Kraus container 30 and it likewise results in more frequent emptying of the Kraus container 30 in order to keep the urine level below the terminal end portion 96 of the inlet tube 94. This is not the case with the structure of the present collection container 12 as illustrated in Fig. 3 and as claimed in amended claim 1. This is still another reason why the structure of the present system defined in claim 1 is totally different, both structurally and operationally, from the structure and operation of the Kraus urine collection system.

For all of the above reasons, claim 1 is clearly and patentable distinguishable over the Kraus reference.

THE OTTO REFERENCE

The Examiner relies upon the Otto reference to show a separate pick-up device in the form of a siphon tube made of a rigid material. As clearly illustrated in Fig. 2 of the Otto reference as illustrated below,



the so-called pick-up device of Otto includes a tube 34 which merely rests upon an inclined or sloped end wall surface of the urine collection receptacle 12. Here again, the arrangement and structure of the urinal 12 of Otto is substantially similar to the arrangement and structure of the urinal of Kraus discussed above wherein the tube 34 of Otto terminates in a well portion or basin 28 positioned and located adjacent the inlet opening of the Otto urinal 12 and, like the Kraus device, the pump associated with the Otto reference must be engaged and in operation during the entire urination process in order to prevent overflow of urine out of the basin 28 and over the front wall 32. The Otto specification at Col. 7, LL 15-28 and LL 40-53 clearly indicates that the pump is activated when the receptacle or urinal 12 is removed from the support device or stand 60 and it is deactivated when placed back on the support device 60. Again, it is important that the Otto pump be activated while the urinal 12 is in use in order to scavenge urine from the receiver during the urination process. If this is not done, urine during a patient relief will overflow the receiver and front wall 32. Operation of the pump device of the present invention is not required during at least one complete patient relief as explained above with respect to the Kraus reference and as specifically claimed in amended claim 1.

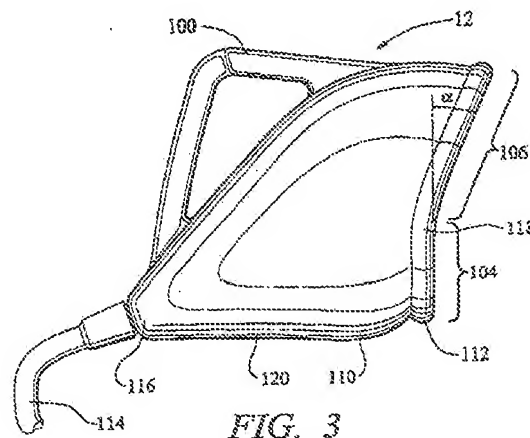
Still further, as explained above with respect to the Kraus reference, the sloping end wall of Otto is not substantially vertical to the bottom wall, or to a horizontal plane, as clearly recited in claim 1 but is specifically sloped or inclined so as to allow urine to collect in the basin 28 located adjacent the inlet opening of the Otto urinal. Again, this structure is totally different from the structure claimed in amended claim 1 as clearly set forth in Fig. 2 of the present application. The structure of the Otto urinal is such so as to allow urine to collect in the front basin 28 for immediate evacuation by operation of the pump during a urination process whereas

the urinal of the present invention is designed to allow the urine to collect towards the end wall 29 for evacuation at any time other than during the urination process as previously explained.

Still further, the structure and components of the present pick-up device as previously explained with reference to the Kraus reference is again totally different from the inlet tube 34 of Otto. Again, the present pick-up device includes a member 28 having an outlet portion positioned above the inlet portion and perpendicular thereto. This is not true of the Otto reference. Claim 1 also requires that the inlet portion of member 28 include a siphon tube which is straight in length and which is positioned parallel to but spaced from the end wall of the urinal and perpendicular to the outlet portion of member 28. Here again, as explained above with respect to the Kraus reference, this structure is not found in the Otto reference. Still further, the claim 1 specifically requires that the siphon tube have an end portion positioned adjacent to but spaced from both the bottom wall and the end wall of the urinal. Again, the tube 34 of Otto lies in mating relationship with the sloped end wall and lies in a configuration substantially identical to the Kraus configuration. For all of the reasons discussed above with respect to the Kraus reference, which reasons are incorporated hereby in reference, the pick-up device of the present invention as defined in amended claim 1 is clearly and patentably distinguishable, both structurally and operationally, over the structure and operation of the so-called pick-up device (tube 34) of Otto. Also, since the structure of both the urinals and pick-up devices of the Kraus and Otto references are substantially identical, there is no further teaching, motivation or suggestion to construct, position and locate the urinal and the pick-up device as defined in claim 1 of the present application. There is no modification or combination of features between the

Kraus and Otto references which will yield the structure associated with the present urinal and pick-up device as clearly illustrated in Fig. 2 of the present application and as claimed in claim 1.

Clearly, claim 1 specifically recites a pick-up device which is separate and apart from the first conduit tube and the siphon tube associated with the present invention and is likewise separate and apart from the tubes 26 and 34 of the Kraus and Otto references. Also, the conduit 36 of Otto is not perpendicular to the conduit 34 as recited in claim 1. For these and other reasons, claim 1 is clearly and patentably distinguishable over both the Kraus and Otto references, either alone or in any combination.



Still further, Fig. 3 of the Otto reference duplicated above illustrates still an alternative embodiment of the Otto urine collection device. Even this configuration, which is not relied upon by the Examiner in the rejection of claim 1, does not meet the urinal limitations and pick-up device limitations of newly amended claim 1. Here again, as clearly illustrated in Fig. 3, this urinal embodiment includes a conduit 114 which is coupled to a corner 116 of the receptacle 12 so that all of the urine contained in the receptacle may be removed via gravity through conduit 114. A bottom surface 120 is configured so that the receptacle may rest on a relatively flat

surface while allowing the urine to collect in the neck portion 110 of the urinal and thereafter drain into the conduit 114. This particular configuration enables at least substantially all of the urine disposed in the receptacle 12 to be passed to the conduit 114 for removal therefrom. As a result, the urine in this particular urinal configuration does not remain in the receptacle after being briefly collected by the receptacle. See, Otto specification, Col. 4, LL 60-67 and Col. 5, LL 1-11. Here again, there is no pick-up device inside of the receptacle 12 illustrated in Fig. 3 and the end wall of the receptacle is again sloped or inclined so as to funnel urine to the corner 116. For all of the reasons discussed above, the urinary collection system defined in claim 1 is again patentably distinguishable, both structurally and operationally, over the embodiment illustrated in Fig. 3 of the Otto reference.

THE HELLER REFERENCE

The Examiner relies upon the Heller reference to show both a handle and a U-shaped retainer member with winged projections for receiving a urinal. Applicant does not argue these disclosures. Instead, Applicant wishes to point out that although the shape of the Heller urinal appears to include a substantially vertical end wall, it has no pick-up device as defined in claim 1. Instead, as best illustrated in Figs. 1 and 4 of the Heller reference, a drainage outlet 14 (Fig. 1) is shown positioned and located on a side wall portion of the urinal and a drainage outlet 56 (Fig. 4) is positioned and located on the lower portion of an end wall 54. The drainage outlets are preferably sealingly connected by suitable tubing to an additional reservoir and these drainage outlets serve to provide a means for withdrawing the urine to a suitable container which can be emptied periodically. With the embodiment illustrated in Fig. 4, this drainage occurs under the

influence of gravity (no pick-up device or pump) since the bottom wall 60 is inclined or sloped towards the discharge outlet 56. See, Col. 4, LL 26-34. Here again, the urinal structure and pick-up device structure defined in claim 1 is clearly and patentably distinguishable over the urinal assembly illustrated in Heller, both structurally and operationally. Also, importantly, even if the Heller urinal were combined with the Kraus and Otto disclosures, you still would not achieve a system as defined in amended claim 1 for all of the reasons explained above with respect to the Kraus and Otto references. As a result, claim 1 is likewise clearly and patentably distinguishable over the Kraus, Otto and Heller references, either alone, or in any combination.

DEPENDENT CLAIMS

Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the Kraus, Otto and Heller references as applied to claim 1, and further in view of the Tolson reference. As previously stated, the Tolson reference is cited merely to show that it is known in the art to use a wireless transmitter and receiver. Applicant is not claiming a wireless transmitter and receiver per se, but the use of a wireless transmitter and receiver in combination with the urinary collection system defined in newly amended claim 1 is clearly and patentably distinguishable over the Tolson reference which merely relates to remotely controlled closures for windows, doors and the like. The Tolson reference merely relates to programming control means for opening and closing some type of a closure such as a window or a door. It has nothing to do with a urinary collection device. The present system is specifically designed to be used with patients that are incontinent without assistance from any nurse, attendant, or other 3rd party as required by Kraus. Applicants respectfully submit that it is the combination of elements recited

in claims 1 and 2, not the individual features of such elements, that makes claims 1 and 2 patentably distinguishable over the cited prior art. None of the prior art references disclose a wireless system used in conjunction with any type of urine collection device.

Claim 12 stands rejected under 35 U.S.C. §103(a) based upon the Kraus reference. As discussed above with respect to claim 1, the Kraus reference discloses a well portion 64 which is located adjacent front wall 56 and adjacent the inlet opening to the Kraus urinal 20. Here again, Applicant is not claiming a well portion per se, but is claiming a well portion located adjacent the end wall 29 of the urinal as illustrated in Fig. 2 of the present application. It is the position and location of the well 35 of the present invention which is important since the present urinal 10 is shaped and configured such that urine will flow away from the inlet opening 22 and towards the end wall 29 and into the recess or well portion 35. The position and location of the well portion 35 is such so as to capture and contain urine away from the inlet opening 22 and to enhance pick-up by the pick-up device 25. It is the position and location of the recess or well 35 associated with the present invention that is important and that is different from the well 64 illustrated in the Kraus reference. As explained above, the well portion 64 of Kraus is positioned and located adjacent the front wall of the urinal and adjacent the inlet opening thereof in total contrast to the position and location of the well portion 35 of the present invention. Although both Kraus and Otto show a well or basin, the well 64 of Kraus and basin 28 of Otto are again located adjacent the front wall of the urinal thereby enhancing the possibility of leakage or overflow spillage. None of the prior art references show a urinal and pick-up device construction as defined by claim 1 and claim 12 in combination. For these and other reasons, claim 12 is clearly and patentably distinguishable over the structure disclosed in both the Kraus and Otto references.

Based upon the foregoing amendments and remarks, it is now believed that all of the pending claims in the present application, namely, claims 1-4, 6-12, 14-19, 21, 22, 37 and 38 contain limitations and restrictions which patentably distinguish them over all of the cited prior art. Here again, the Examiner has cited at least 12 different prior art references relating specifically to urine collection type devices none of which, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present construction as set forth in independent claim 1 as explained above, nor do the prior art constructions, teach, motivate, or suggest the combination of references relied upon by the Examiner as evidence of obviousness. In addition, none of the prior art constructions provide the specific advantages and objectives obtained by the present urinary collection system and none disclose the specific structural limitations set forth in claim 1 relating to all of the individual components comprising the present system including the urinal, the pick-up device, the collection container, and the control device. Although some of the features associated with the present device are known and are used in other applications, the specific combination of features in a urinary collection device as claimed in independent claim 1 and in the pending dependent claims are patentably distinguishable thereover. Applicant again respectfully requests reconsideration of the pending claims in the present application.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this

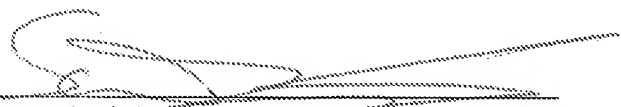
Application of: Larry R. Baker
Serial No.: 10/526,942
Amendment After Final

application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: _____

18 MAR 2011



Samuel Digirolamo
Reg. No. 29,915
Husch Blackwell Sanders LLP
190 Carondelet Plaza, Ste. 600
St. Louis, MO 63105
314-480-1500
ATTORNEYS FOR APPLICANT